IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roger Davis et al.
Serial No. : 09/165,522
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Art Unit : 1652
Examiner : Manjunath N. Rao

Title : JNK3 MODULATORS AND METHODS OF USE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION BY DR. ROGER J. DAVIS UNDER 37 C.F.R. §1.132

1. I, Roger J. Davis, am a faculty member at the University of Massachusetts Medical Center. I am a Professor of Molecular Medicine and an Investigator of the Howard Hughes Medical Institute. I received a Ph.D. in 1983 from the Department of Biochemistry at Cambridge University.

2. . I am an inventor of the subject matter claimed in the patent application captioned above ("the present application").

3. I am a co-author of Gupta et al., "Selective interaction of JNK protein kinase isoforms with transcription factors," EMBO J. 15:2760-2770, 1996. Gupta et al. has been cited in a rejection of the present application under 35 U.S.C. § 103.

4. Gupta et al. describes the results of a screen of adult human brain cDNA libraries for the presence of sequence related to JNK isoforms (for example, at page 2761).

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 18, 2003
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Lisa G. Gray
Signature

Lisa G. Gray
Typed or Printed Name of Person Signing Certificate

5. The brain libraries used in Gupta et al. were obtained from commercial sources. The cDNA used to generate the brain libraries was from whole brain. It is well established that whole brain contains many cell types including neurons and glia.

6. Because of the mixed cell types used to generate the brain libraries, it is not possible to distinguish the cellular origin of sequences detected in the brain libraries.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9/16/03

RJDavis

Roger J. Davis

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